

Remarks

Claim Amendments

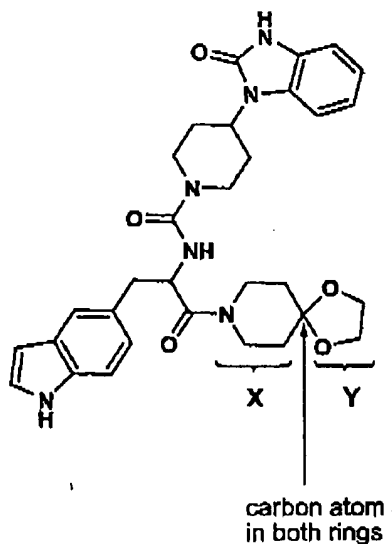
Claim 39 was amended to include "and" to clarify that claim 39 is directed to claims 1 and 47-52.

No new matter was added.

Indefiniteness Rejection

Claims 1 and its dependent claims were rejected as being indefinite over the definition of X and Y. Applicants respectfully traverse. After speaking with the Examiner on Tuesday, November 7, 2006, Applicants learned that the reason for the indefiniteness rejection centered around whether the shared atom in the X and Y spirocycle could be carbon or nitrogen. In attempting to explain how X and Y formed spirocyclic systems in the claims, Applicants provided the following explanation in their previous Reply:

"...X and Y may be joined to form a spirocyclic ring system. Since X and Y can be heterocycles, the Examiner queried (1) how the two heterocycles can be joined in a spirocyclic fashion and (2) whether the atom common to both rings can be nitrogen. Example 8 illustrates this aspect:



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As can be seen, X is piperidinyl and Y is dioxolanyl. They are two heterocycles joined in a spirocyclic fashion. In this example, the spirocyclic system shares a carbon atom. *It is also possible for spirocyclic ring systems to share a nitrogen atom in which case the nitrogen atom will be positively charged. (emphasis added)*

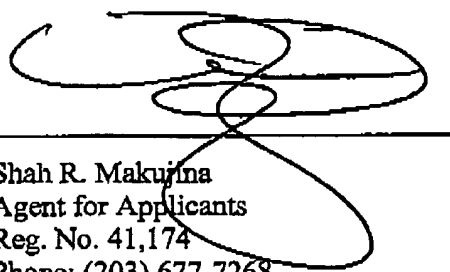
Applicants regret that the last statement in this explanation was interpreted to mean that the X and Y spirocyclic ring systems also encompass a shared nitrogen atom. Instead, Applicants were merely providing a parenthetical or academic explanation of how *other* spirocyclic ring systems can be formed in order to assist the Examiner in understanding the nature of spirocycles. Applicants' claims recite that the spirocycles defined in X and Y share one *carbon* atom - not a nitrogen atom. Thus, Applicants are not introducing new matter into the definition of X and Y. Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

Claim 39 was rejected as being indefinite for lacking the conjunctive "and". Claim 39 was amended to include the word "and" in between the recited claims to make it more clear that claims 1 and 47-52 are being referred to in this pharmaceutical composition claim. Therefore, Applicants respectfully request the Examiner to withdraw the rejection.

In respect of the above, Applicants respectfully request the Examiner to enter said amendments and submit that the application is in condition for allowance. The Commissioner is authorized to withdraw any fees from Deposit Account 19-3880.

Respectfully submitted,

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